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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-  
 defendant

v.

APPLE INC.,

Defendant,  
 Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF RACHEL S. BRASS IN  
 SUPPORT OF BRIEF RE: MOTION TO  
 STRIKE WRITTEN AND ORAL  
 TESTIMONY OF DR. MICHAEL I. CRAGG  
 REGARDING FOREIGN REGULATORY  
 SUBMISSIONS OF A NON-PARTY**

1 I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for  
4 Defendant Apple Inc. ("Apple") in this case. I have personal knowledge of the facts stated below and,  
5 if called as a witness, I could and would testify competently thereto.

6 2. Following trial on May 13, 2021, I directed Gibson Dunn attorneys working under my  
7 supervision to search the files produced by Spotify in this litigation to determine whether the document  
8 entitled "An economic assessment of the effects of Apple's License Agreement with Spotify,"  
9 referenced in PX-1152 and PX-1153, was produced by Spotify.

10 3. That search revealed that a document bearing a similar title—  
11 —and dated after PX-1152 was  
12 produced by Spotify. Based on my review, the document appears to reference only data collected in  
13 , and not any of the discussed in PX-1152 and PX-1153.

14 4. The attorneys working under my supervision did not find in their search any documents  
15 matching the description of the study referenced in PX-1152 and PX-1153.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
17 and correct and that this Declaration was executed on May 14, 2021 at San Francisco, California.

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19 /s/ Rachel S. Brass  
20 Rachel S. Brass  
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